



ARIZONA
BOARD OF EXECUTIVE CLEMENCY

NOTICE OF THE MEETING OF THE ARIZONA BOARD OF EXECUTIVE CLEMENCY

Pursuant to A.R.S. §38-431.02, notice is hereby given to the Members of the Arizona Board of Executive Clemency, and to the general public, that the Board of Executive Clemency will be conducting a Board Business Meeting on Wednesday May 4, 2011 at 8:00 a.m. This meeting will be held at 1645 W. Jefferson, Suite 101, Phoenix, Arizona 85007. This meeting is open to the public. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Board's office at 602-542-5656. Requests should be made as early as possible to allow time to arrange the accommodation. The Board may go into Executive Session, which will not be open to the public, to discuss any matter on this agenda pursuant to A.R.S. §38-431.03(A)(3) (Discussion or consultation with Board attorney for legal advice).

AGENDA

I. Call to Order (Mr. Belcher)

II. Discussion:

Consider amending the Board's reprieve policy, Board Policy No. 400.08, to make the scheduling of Reprieve Hearings discretionary.

II. Possible Vote:

Possible vote on amending Board Policy No. 400.08, to make the scheduling of Reprieve Hearings discretionary.

A copy of the proposed amendment is attached, and is available at the Board office.

III. Discussion and possible vote on whether to schedule a reprieve hearing for Donald Beaty ADC #54558 who is scheduled for execution on 5/25/2011.

IV. Adjournment

Duane Belcher, Chairman/Executive Director

Posted: This 2nd day of May 2011

Those wishing to address the Board need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration at a later date. Qualified individuals with a disability requiring a copy of the Board's procedure on filing grievances may contact the Board's office.

American Disability Act: Persons with disabilities may request reasonable accommodations, such as sign language interpreters. Requests should be made as early as possible to allow time to arrange the accommodation.

**ARIZONA BOARD OF EXECUTIVE CLEMENCY
BOARD POLICY**

POLICY TITLE: Reprieve	EFFECTIVE DATE: 05.04.2011	POLICY #: 400.08.A
	SUPERSEDES: 400.08 dated 12.22.1998	PAGES: 1 OF 7

PURPOSE:

The purpose of this policy and procedure is to establish guidelines for conducting a reprieve hearing.

POLICY:

It is the policy of the Arizona Board of Executive Clemency upon the receipt of a warrant of execution, to consider conducting a hearing in accordance with Arizona Revised Statutes to determine if a reprieve should be recommended to the Governor.

AUTHORITY:

ARS § 31-402	Powers of board; powers and duties of Governor; powers and duties of executive director
ARS § 31-401	Board of Executive Clemency; qualifications; appointment; officers; quorum; meeting
ARS § 31-443	Power of Governor to grant reprieves, commutations and pardons
ARS § 31-444	Power of Governor to suspend sentence for treason pending consideration by legislature
ARS § 31-445	Publication of reasons for reprieve, stay or suspension of death sentence
ARS § 31-446	Report to legislature
ARS § 38-431	Definitions
ARS § 38-431.01	Meetings shall be open to the public
ARS § 38-431.02	Notice of meetings
ARS § 38-431.03	Executive Session

ARS § 38-431.04	Writ of mandamus
ARS § 38-431.05	Meeting held in violation of article; business transacted null and void; ratification
ARS § 38-431.07	Violations; enforcement; removal from office; in camera review
ARS § 38-431.08	Exceptions; limitation
ARS § 38-431.09	Declaration of public policy

PROCEDURE:

- A.** Upon the receipt of a warrant of execution, the Chair or the Board may schedule a reprieve hearing.
- B.** The warrant of execution shall be forwarded to the Executive Director.
- C.** The Executive Director shall obtain legal counsel for the Board from the Attorney General in advance of the reprieve hearing.
- D.** If the Board conducts a reprieve hearing, the Board shall take one of the following actions:
 - 1. Recommend to the Governor that the reprieve be granted. The decision shall immediately be called in to the Governor's Office by the Chair. A letter shall be prepared and "faxed" or hand delivered to the Governor's Office (**attachment 1**).
 - 2. Recommend to the Governor that a commutation of sentence be granted. The decision shall immediately be called in to the Governor's Office by the Chair. A letter shall be prepared and "faxed" or hand delivered to the Governor's Office (**attachment 2**).
 - 3. Not recommend the reprieve to the Governor. The decision shall immediately be called in to the Governor's Office by the Chair. A letter shall be prepared and "faxed" or hand delivered to the Governor's Office (**attachment 3**).
 - 4. Not recommend a commutation of sentence. The decision shall immediately be called in to the Governor's Office by the Chair. A letter shall be prepared and "faxed" or hand delivered to the Governor's Office (**attachment 4**).
- E.** If the reprieve is not recommended by the Board or is denied by the Governor, no less than three hours prior to the time of the scheduled execution, the Board Members shall be continuously available to receive any last minute information in the event a Board hearing is necessary.
- F.** If the reprieve is not recommended by the Board or is denied by the Governor, beginning twenty-four hours prior to the time of the scheduled execution, the Board Members shall be continuously available to receive any last minute information.
- G.** A request to reopen the hearing shall only be accepted from the attorney of record or the inmate. No third party requests for reopening the hearing shall be accepted.
- H.** The Executive Director shall arrange for telephone contact between the Governor and the Board.

IMPLEMENTATION:

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.

Duane Belcher
Chairman/Executive Director

Date

ATTACHMENT 1

The Honorable Jane D. Hull
Governor of the State of Arizona
1700 W. Washington, 9th Floor
Phoenix, AZ 85007

RE: (inmate name and ADC #)

Dear Governor Hull:

The Arizona Board of Executive Clemency met on (date of hearing), to consider the above referenced inmate for a **Reprieve**. By a (unanimous or majority) vote, the Board is recommending that a **Reprieve** be granted to (inmate name and ADC#).

The Board recommends that the **Reprieve** be granted for a period of (time frame of set off).

Respectfully submitted,

(Ne of chair)
Chairman/Executive Director

ATTACHMENT 2

The Honorable Jane D. Hull
Governor of the State of Arizona
1700 W. Washington, 9th Floor
Phoenix, AZ 85007

RE: (inmate name and ADC #)

Dear Governor Hull:

The Arizona Board of Executive Clemency met on (date of hearing), to consider the above referenced inmate for a **Commutation of Sentence**. By a (unanimous or majority) vote, the Board is recommending that a **Commutation of Sentence** be granted to (inmate name and ADC#).

The Board recommends that the death sentence for (inmate name and ADC#) be commuted to (reduced time frame).

Respectfully submitted,

(Name of chair)
Chairman/Executive Director

ATTACHMENT 3

The Honorable Jane D. Hull
Governor of the State of Arizona
1700 W. Washington, 9th Floor
Phoenix, AZ 85007

RE: (inmate name and ADC #)

Dear Governor Hull:

The Arizona Board of Executive Clemency met on (date of hearing), to consider the above referenced inmate for a **Reprieve**. By a (**unanimous or majority**) vote, the Board is **NOT recommending** that a **Reprieve** be granted to (inmate name and ADC#).

Respectfully submitted,

(Name of chair)
Chairman/Executive Director

ATTACHMENT 4

The Honorable Jane D. Hull
Governor of the State of Arizona
1700 W. Washington, 9th Floor
Phoenix, AZ 85007

RE: (inmate name and ADC #)

Dear Governor Hull:

The Arizona Board of Executive Clemency met on (date of hearing), to consider the above referenced inmate for a **Commutation of Sentence**. By a (unanimous or majority) vote, the Board is **NOT** recommending that a **Commutation of Sentence** be granted to (inmate name and ADC#).

Respectfully submitted,

(Name of chair)
Chairman/Executive Director